

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

-----X

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 164, 567

(Jointly Administered)

-----X

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO HIGHWAYS AND
TRANSPORTATION AUTHORITY (“HTA”)

Debtor.

PROMESA

Title III

No. 17 BK 3567-LTS

**This Response relates only to HTA
and shall be filed in the lead Case
No. 17 BK 3283-LTS and Case No.
17 BK 3567-LTS.**

-----X

**RESPONSE OF THE PUERTO RICO HIGHWAYS AND TRANSPORTATION
AUTHORITY TO MOTION FOR RELIEF FROM STAY FILED BY
AMADO RAVELO GUERRERO, MARLENE JÁQUEZ UREÑA,
AND HENESSY RAVELO JÁQUEZ [ECF NO. 164]**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) as the entity authorized to act on behalf of the Puerto Rico Highways and Transportation Authority (“HTA”) pursuant to the authority granted to it under the *Enabling Act of the Fiscal Agency and*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective bankruptcy case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (iv) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808).

Financial Advisory Authority, Act 2-2017, respectfully submits this response (the “Response”) to the *Urgent Motion for Relief from Automatic Stay* [ECF No. 164] (the “Motion”) filed by Amado Ravelo Guerrero, Marlene Jáquez Ureña, and Henessy Ravelo Jáquez (collectively, “Movants”).²

RESPONSE

1. After evaluating the facts and procedural stage of Movants’ case pending before the United States District Court for the District of Puerto Rico, captioned Ravelo, et al v. DiGregorio, et al., Case No. 16-cv-2383, which seeks compensatory damages to redress the alleged physical and emotional damages suffered by Movants in connection with a car accident on June 26, 2013 (the “District Court Action”), HTA does not object to a partial modification of the automatic stay set forth in Bankruptcy Code section 362 (the “Title III Stay”), made applicable by PROMESA section 301(a), to permit Movants to proceed with the District Court Action; provided that any recovery in the District Court Action would be expressly limited to the terms, conditions, and amount of insurance coverage, if any, available under any insurance policies issued to HTA (the “Available Coverage”).

2. Nothing contained in this Response should be construed as a waiver or modification of the Title III Stay to permit (i) Movants to seek any recovery in the District Court Action against HTA or any of the other Debtors in the above-captioned cases or their assets or properties or (ii) the prosecution against HTA of any claim by anyone other than Movants as provided for herein, and HTA reserves all rights, defenses, and protections with respect to any other motions for relief of stay or any other matters pending in HTA’s Title III case. HTA further reserves its rights with respect to any claim currently pending in the District Court Action or hereinafter asserted by Movants.

² The Financial Oversight and Management Board for Puerto Rico, as the Debtors’ representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized AAFAF to file this Response on behalf of HTA.

CONCLUSION

3. For the foregoing reasons, HTA requests that the Court grant a partial modification of the Title III Stay to allow Movants to attempt to recover any liquidated final judgment or settlement on the District Court Action from the Available Coverage, if any; provided that any final judgment or settlement shall be reduced by (i) the amount of any applicable deductible or self-insured retention under the applicable insurance policy and (ii) the share of liability under the applicable insurance policy of any insolvent or non-performing insurer or co-insurer (or any reinsurer of any insolvent or non-performing insurer or co-insurer), and in no event will HTA or any of the other Debtors in the above-captioned cases or their assets or properties be required to satisfy any liability to Movants in any way whatsoever with respect to the District Court Action.

Remainder of Page Intentionally Left Blank

Dated: July 12, 2017
San Juan, Puerto Rico

Respectfully submitted,

/s/ Peter Friedman

John J. Rapisardi
Suzanne Uhland
Diana M. Perez
(Admitted *Pro Hac Vice*)
O'MELVENY & MYERS LLP
7 Times Square
New York, NY 10036
Tel: (212) 326-2000
Fax: (212) 326-2061

-and-

Peter Friedman
(Admitted *Pro Hac Vice*)
O'MELVENY & MYERS LLP
1625 Eye Street, NW
Washington, DC 20006
Tel: (202) 383-5300
Fax: (202) 383-5414

*Attorneys for the Puerto Rico Fiscal Agency
and Financial Advisory Authority*

/s/ Andrés W. López

Andrés W. López
USDC No. 215311

THE LAW OFFICES OF ANDRÉS W.
LÓPEZ, P.S.C.
902 Fernández Juncos Ave.
San Juan, PR 00907
Tel: (787) 294-9508
Fax: (787) 294-9519

*Co-Attorney for the Puerto Rico Fiscal
Agency and Financial Advisory Authority*